

REMARKS

Claims 1 and 4-23 are pending.

Claims 2-3 have been cancelled.

Claims 24-27 have been added.

In the Office Action dated April 3, 2009, the claims were objected to; the specification was objected to; claims 7, 9, 16, and 22 were rejected on the ground of non-statutory obviousness-type double patenting over claims of U.S. Patent 7,146,353 in view of Hill (U.S. Patent Publication No. 2004/0267897); claims 1-4, 9-13, and 18-19 were rejected under 35 U.S.C. § 102(e) as unpatentable by Hill; claims 5-6, 14-15, and 20-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hill in view of Varanasi (U.S. Patent No. 7,443,799); and claims 7-8, 16-17, and 22-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hill in view of Das (U.S. Patent Publication No. 2005/0172291).

CLAIM OBJECTIONS

Claims 9 and 18 have been amended to address the claim objections. Therefore, withdrawal of the claim objections is respectfully requested.

SPECIFICATION OBJECTION

The specification was objected to as failing to provide antecedent support for “computer-readable medium” as recited in claim 10. Paragraph [0020] on page 6 of the specification has been amended to recite that the computer 116 “includes computer-readable medium configured with instructions, where the computer-readable medium can be a memory or disk-based storage.” Support for this amendment can be found at least in originally filed claim 10 (which forms part of the original disclosure), and by references to memory and disk-based storage throughout the specification, such as in ¶¶ [0013] and [0014] of the specification.

In view of the foregoing, withdrawal of the specification objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 101

In view of the amendment made to the specification, it is clear that “computer-readable medium” is intended to cover just tangible medium, not carrier waves. Therefore, withdrawal of the § 101 rejection is respectfully requested.

DOUBLE PATENTING REJECTION

In view of the amendments made to the present claims, it is respectfully submitted that the non-statutory obviousness-type double patenting rejection has been rendered moot. Specifically, the listed claims of the ‘353 Patent made in the Office Action, in combination with Hill, do not disclose or teach at least the following subject matter of the claims: assignment of the subset of resources for each application is based on an objective function to reduce a number of network hops between processing resources in an assigned subset.

Therefore, the present claims are non-obvious in view of the listed claims of the ‘353 Patent and Hill. Withdrawal of the non-statutory obviousness-type double patenting rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claim 1 has been amended to incorporate subject matter of former dependent claims 2 and 3 and to further recite that determining the assigned subset of resources for each application is based on an objective function to reduce a number of network hops between processing resources in the assigned subset. Support for this amendment can be found at least in the following passages of the specification: page 8, ¶ [0025]; page 16, ¶ [0048].

Hill does not disclose that assignment of a subset of resources for each application is based on an objective function to reduce a number of network hops between processing resources in an assigned subset.

Therefore, claim 1 is clearly allowable over Hill.

Independent claims 9, 10, and 18 are similarly allowable over Hill.

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Dependent claims, including newly added dependent claims 24-27, are allowable for at least the same reasons as corresponding independent claims.

In view of the allowability of base claims, the obviousness rejections of dependent claims have been overcome.

In view of the foregoing, allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200313904-1).

Respectfully submitted,

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